

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN CORNISH	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
	:	
CITY OF PHILADELPHIA, et al.	:	NO. 14-6920

ORDER

AND NOW, this 26th day of May, 2015, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the "Motion of Defendant City of Philadelphia to Dismiss Plaintiff's First Amended Complaint With Prejudice, Pursuant to Federal Rule of Civil Procedure 12(b)(6)" (Doc. # 26) and the "DOC's Motion to Dismiss First Amended Complaint" (Doc. # 27) are GRANTED in part, as follows:

(a) Count One of plaintiff's First Amended Complaint is DISMISSED insofar as it alleges liability against defendants City of Philadelphia and Pennsylvania Department of Corrections;

(b) Count Two of plaintiff's First Amended Complaint is DISMISSED insofar as it alleges liability against defendant Pennsylvania Department of Corrections and is DISMISSED insofar as it alleges

against defendant the City of Philadelphia respondeat superior liability and liability for failure to train;

(c) Count Three of plaintiff's First Amended Complaint is DISMISSED insofar as it alleges liability against defendant City of Philadelphia; and

(d) Count Five of plaintiff's First Amended Complaint is DISMISSED insofar as it alleges liability against defendants City of Philadelphia and Pennsylvania Department of Corrections; and

(2) the "Motion of Defendant City of Philadelphia to Dismiss Plaintiff's First Amended Complaint With Prejudice, Pursuant to Federal Rule of Civil Procedure 12(b)(6)" (Doc. # 26) and the "DOC's Motion to Dismiss First Amended Complaint" (Doc. # 27) are otherwise DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.